

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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B.R.,

Plaintiff,

COMPLAINT

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,

Index No. _____

Defendant.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, B.R., by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

Introduction

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when he was a minor, was sexually assaulted by John Luciano, an employee of the Archdiocese of New York who was the supervisor of the St. Vincent's parish Boy's Club youth program.

Parties, Jurisdiction and Venue

1. Plaintiff B.R. is a citizen and resident of the State of New York.
2. Defendant, The Roman Catholic Archdiocese of New York (hereafter, the "Archdiocese" or the "Archdiocese of New York"), is a religious institution and organization with principal offices located at 1011 1st Avenue, New York, NY 10022. The Archdiocese of New York controls all Catholic religious, pastoral and educational functions in Westchester, Rockland, and

Putnam counties, along with parts of New York City and the Hudson Valley. The Archdiocese is a citizen and resident of the State of New York.

3. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

4. Personal jurisdiction lies over Defendants as they are present and domiciled in the State of New York.

5. Venue of this action lies in New York County as the Defendant has its principal place of business in New York County.

John Luciano's Sexual Assaults of Plaintiff

6. B.R. began attending the St. Vincent Boy's Club youth program in approximately 1972 when Baron was approximately 7 years old.

7. John Luciano, the supervisor of the program, sexually assaulted B.R. on multiple occasions at the St. Vincent's parish where the Boys' Club was located, beginning when B.R. was approximately 9 years old.

8. The acts of sexual abuse include the fondling of B.R.'s penis, masturbation and oral sex on B.R.

NOTICE – FORESEEABILITY

9. Prior to the sexual assaults of B.R., Archdiocese and employees were aware, or in the exercise of reasonable care, should have been aware, that Luciano was engaging in sexual abuse of minors.

10. Specifically, John Luciano ran the Boys Club at St. Vincent Ferrer Church with another Archdiocese employee named "Ritchie." Ritchie was aware John Luciano was sexually abusing children at the Boys' Club and would act as lookout during the sexual abuse of B.R.

11. At all relevant times, the Archdiocese knew or in the exercise of reasonable care should have known the Luciano had a propensity for the conduct which caused injury to Plaintiff, in particular, that he had a propensity to engage in the sexual abuse of children.

12. At all relevant times, it was reasonably foreseeable to the Archdiocese that Luciano would commit acts of child sexual abuse or assault on a child.

Duty

13. At all material times, the Archdiocese was in a special relationship with Plaintiff as a child member of the Archdiocese's Boy's Club youth program at St. Vincent's parish. Plaintiff was under the care and supervision of Defendant while he attended the youth program. Based on this special relationship, the Archdiocese owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

14. The Archdiocese and John Luciano were in a special relationship of employer – employee, when the Archdiocese knew or should have known that John Luciano posed a danger to children in his role as the supervisor of the Boys Club at St. Vincent's Ferrer Church ("St. Vincent's"), and thus the Archdiocese owed a duty to control John Luciano to prevent foreseeable harm. St. Vincent's is a Parish of the Archdiocese of New York served by the Dominican Friars.

15. The Archdiocese owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of the Plaintiff while he was under the care, custody or in the presence of John Luciano.

16. The Archdiocese owed a duty to exercise reasonable care in hiring, retention and supervision of John Luciano.

17. The Archdiocese owed a duty in transferring or assigning John Luciano when it knew or should have known that he posed a danger to children in his duties and role as an adult

leader in the Catholic Boys' Club.

Breach

18. The Archdiocese breached its duties by (i) hiring John Luciano as a responsible adult in charge of the Boys Club when it knew or should have known of his sexual proclivities for children; (ii) at all relevant times, retaining and failing to adequately supervise John Luciano as an active responsible adult of the Archdiocese; and (iii) granting and maintaining John Luciano faculties as a responsible adult without making any warning or notice of his perverse sexual proclivities to the Catholic faithful who would have contacts with John Luciano.

19. At all relevant times, the Archdiocese had inadequate policies and procedures to protect children who would encounter their Catholic responsible adults in the course of their duties.

Nature of Conduct Alleged

20. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

21. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendant acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with John Luciano, to retain John Luciano and leave him with unfettered access to children.

COUNT I
NEGLIGENCE

22. Plaintiff B.R. repeats and realleges Paragraphs 1 through 21 above.

23. As a direct and proximate result of the Archdiocese's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

24. The Archdiocese's acts and conduct shows a reckless or willful disregard for the safety and well-being of B.R. and other children.

WHEREFORE, Plaintiff demands judgment against the Archdiocese for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

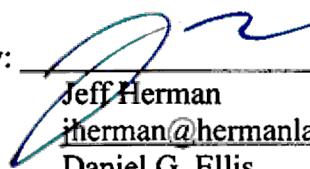
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: New York, New York
October 23, 2019

Respectfully submitted,

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